

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 194, Page 1, Section 188.027, Lines 6-8,  
2 by deleting said lines and inserting in lieu thereof the following:

3 "has informed the woman orally, reduced to writing, and in person of the following:"; and  
4

5 Further amend said substitute and section, Page 2, Lines 25-33, by deleting said lines and inserting  
6 in lieu thereof the following:

7 "(e) [~~The location of the hospital that offers obstetrical or gynecological care located within~~  
8 ~~thirty miles of the location where the abortion is performed or induced and at which the physician~~  
9 ~~performing or inducing the abortion has clinical privileges and where the woman may receive~~  
10 ~~follow-up care by the physician if complications arise;~~

11 ~~—(f)]~~ The gestational age of the unborn child at the time the abortion is to be performed or  
12 induced; and

13 [(g)] (f) The anatomical and physiological characteristics of the unborn child at the time the  
14 abortion is to be performed or induced;" ; and  
15

16 Further amend said substitute, page, and section, Line 35, 41, and 45, by removing the word  
17 "[~~printed~~]" in each instance and inserting in lieu thereof the word "printed"; and  
18

19 Further amend said substitute and section, Page 3, Line 71, by removing the word "[~~printed~~]" and  
20 inserting in lieu thereof the word "printed"; and  
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22 Further amend said substitute and section, Page 4, Line 89 and 119, by removing the word  
23 "[~~printed~~]" in each instance and inserting in lieu thereof the word "printed"; and  
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25 Further amend said substitute and section, Page 5, Line 124, by removing the word "[~~printed~~]" and  
26 inserting in lieu thereof the word "printed"; and  
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28 Further amend said substitute, section, and page, Line 145, by deleting said line and inserting in lieu  
29 thereof the following:

30 "section, that"; and  
31

32 Further amend said substitute and section, Page 7, Lines 208-211, by deleting all of said lines and  
33 inserting in lieu thereof the following:

34 "188.028. 1. Except in the case of a medical emergency, no person shall knowingly perform  
35 or induce an abortion upon a pregnant woman under the age of eighteen years unless:

36 (1) The attending physician has secured the informed written consent of the minor and one

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1 parent or guardian; or

2 (2) The minor is emancipated and the attending physician has received the informed written  
3 consent of the minor; or

4 (3) The minor has been granted the right to self-consent to the abortion by court order  
5 pursuant to subsection 2 of this section, and the attending physician has received the informed  
6 written consent of the minor; or

7 (4) The minor has been granted consent to the abortion by court order, and the court has  
8 given its informed written consent in accordance with subsection 2 of this section, and the minor is  
9 having the abortion willingly, in compliance with subsection 3 of this section.

10 2. The right of a minor to self-consent to an abortion under subdivision (3) of subsection 1  
11 of this section or court consent under subdivision (4) of subsection 1 of this section may be granted  
12 by a court pursuant to the following procedures:

13 (1) The minor or next friend shall make an application to the juvenile court which shall  
14 assist the minor or next friend in preparing the petition and notices required pursuant to this section.  
15 The minor or the next friend of the minor shall thereafter file a petition setting forth the initials of  
16 the minor; the age of the minor; the names and addresses of each parent, guardian, or, if the minor's  
17 parents are deceased and no guardian has been appointed, any other person standing in loco parentis  
18 of the minor; that the minor has been fully informed of the risks and consequences of the abortion;  
19 that the minor is of sound mind and has sufficient intellectual capacity to consent to the abortion;  
20 that, if the court does not grant the minor majority rights for the purpose of consent to the abortion,  
21 the court should find that the abortion is in the best interest of the minor and give judicial consent to  
22 the abortion; that the court should appoint a guardian ad litem of the child; and if the minor does not  
23 have private counsel, that the court should appoint counsel. The petition shall be signed by the  
24 minor or the next friend;

25 (2) A hearing on the merits of the petition, to be held on the record, shall be held as soon as  
26 possible within five days of the filing of the petition. If any party is unable to afford counsel, the  
27 court shall appoint counsel at least twenty-four hours before the time of the hearing. At the hearing,  
28 the court shall hear evidence relating to the emotional development, maturity, intellect and  
29 understanding of the minor; the nature, possible consequences, and alternatives to the abortion; and  
30 any other evidence that the court may find useful in determining whether the minor should be  
31 granted majority rights for the purpose of consenting to the abortion or whether the abortion is in  
32 the best interests of the minor;

33 (3) In the decree, the court shall for good cause:

34 (a) Grant the petition for majority rights for the purpose of consenting to the abortion; or

35 (b) Find the abortion to be in the best interests of the minor and give judicial consent to the  
36 abortion, setting forth the grounds for so finding; or

37 (c) Deny the petition, setting forth the grounds on which the petition is denied;

38 (4) If the petition is allowed, the informed consent of the minor, pursuant to a court grant of  
39 majority rights, or the judicial consent, shall bar an action by the parents or guardian of the minor  
40 on the grounds of battery of the minor by those performing or inducing the abortion. The immunity  
41 granted shall only extend to the performance or inducement of the abortion in accordance herewith  
42 and any necessary accompanying services which are performed in a competent manner. The costs  
43 of the action shall be borne by the parties;

44 (5) An appeal from an order issued under the provisions of this section may be taken to the  
45 court of appeals of this state by the minor or by a parent or guardian of the minor. The notice of  
46 intent to appeal shall be given within twenty-four hours from the date of issuance of the order. The  
47 record on appeal shall be completed and the appeal shall be perfected within five days from the  
48 filing of notice to appeal. Because time may be of the essence regarding the performance or

1 inducement of the abortion, the supreme court of this state shall, by court rule, provide for expedited  
2 appellate review of cases appealed under this section.

3 3. If a minor desires an abortion, then she shall be orally informed of and, if possible, sign  
4 the written consent required ~~[by section 188.039]~~ under this chapter in the same manner as an adult  
5 person. No abortion shall be performed or induced on any minor against her will, except that an  
6 abortion may be performed or induced against the will of a minor pursuant to a court order  
7 described in subdivision (4) of subsection 1 of this section that the abortion is necessary to preserve  
8 the life of the minor."; and

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10 Further amend said substitute, Section 188.036, Pages 7-8, Lines 1-32, by deleting all of said  
11 section; and

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13 Further amend said substitute, Section 188.047, Pages 8-10, Lines 1-63, by deleting all of said  
14 section; and

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16 Further amend said substitute, Section 188.052, Page 10, Lines 1-26, by deleting all of said lines  
17 and inserting in lieu thereof the following:

18 "188.080. Any person who is not a physician who performs or induces or attempts to  
19 perform or induce an abortion on another is guilty of a class B felony, and, upon conviction, shall be  
20 punished as provided by law. ~~[Any physician performing or inducing an abortion who does not have~~  
21 ~~clinical privileges at a hospital which offers obstetrical or gynecological care located within thirty~~  
22 ~~miles of the location at which the abortion is performed or induced shall be guilty of a class A~~  
23 ~~misdemeanor, and, upon conviction shall be punished as provided by law.]"; and~~

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25 Further amend said substitute, Section 188.160, Pages 10-12, Lines 1-64, by deleting all of said  
26 section; and

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28 Further amend said substitute, Section 194.375, Page 12, Lines 1-12, by deleting all of said section  
29 and inserting in lieu thereof the following:

30 "197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates  
31 otherwise, the following terms mean:

32 (1) "Ambulatory surgical center", any public or private establishment operated primarily for  
33 the purpose of performing surgical procedures or primarily for the purpose of performing  
34 childbirths, ~~for any establishment operated for the purpose of performing or inducing any second or~~  
35 ~~third trimester abortions or five or more first trimester abortions per month,]~~ and which does not  
36 provide services or other accommodations for patients to stay more than twenty-three hours within  
37 the establishment, provided, however, that nothing in this definition shall be construed to include  
38 the offices of dentists currently licensed pursuant to chapter 332 or facilities that are operated  
39 primarily for the purpose of providing abortions;

40 (2) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332;

41 (3) "Department", the department of health and senior services;

42 (4) "Governmental unit", any city, county or other political subdivision of this state, or any  
43 department, division, board or other agency of any political subdivision of this state;

44 (5) "Person", any individual, firm, partnership, corporation, company, or association and the  
45 legal successors thereof;

46 (6) "Physician", any person currently licensed to practice medicine pursuant to chapter 334;

47 (7) "Podiatrist", any person currently licensed to practice podiatry pursuant to chapter 330.";

48 and

1  
2 Further amend said substitute, Section 197.230, Page 13, Lines 1-12, by deleting all of said section;  
3 and  
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5 Further amend said bill by amending the title, enacting clause, and intersectional references  
6 accordingly.